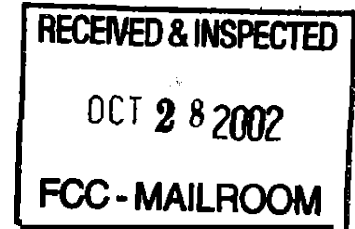


Before the
Federal Communications Commission
Washington, DC 20554



In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Aurora Weier Educational Center)
Milwaukee, Wisconsin)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-258364

CC Docket No. 96-45✓

CC Docket No. 97-21

ORDER

Adopted: October 24, 2002

Released: October 25, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a request filed by Aurora Weier Educational Center (Aurora Weier), Milwaukee, Wisconsin.¹ Aurora Weier **seeks** review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Aurora Weier's appeal on the grounds that it was untimely filed.² For the reasons set forth below, we affirm SLD's rejection and deny Aurora Weier's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on August 20, 2001, neither granting nor denying Aurora Weier's request for discounted services under the schools and libraries universal service support mechanism.³ Specifically, Aurora Weier requested discounts for internal connections, Funding Request Number (FRN) 649385.⁴ On December 26, 2001, Aurora Weier filed an appeal of SLD's decision.⁵ On February 11, 2002, SLD issued an

¹ Letter from Emilio Lopez, Aurora Weier Educational Center, to Federal Communications Commission, filed March 18, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Emilio Lopez, Aurora Weier Educational Center, dated August 20, 2001 (August 20, 2001 Funding Commitment Decision Letter).

⁴ *Id.*

⁵ Letter from Emilio Lopez, Aurora Weier Catholic School, to Schools and Libraries Division, Universal Service Administrative Company, filed December 26, 2001 (Request for Administrator Review).

Administrator's Decision on Appeal indicating that it would not consider Aurora Weier's appeal because it was received more than 60 days after the August 31, 2001 Funding Commitment Decision Letter was issued.⁶ Aurora Weier subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, *any* such appeal must be filed with SLD or the Commission within 60 days of the issuance of the decision that the party seeks to have reviewed.⁷ Documents are considered to be filed with SLD or the Commission only upon receipt.⁸ Because Aurora Weier's Request for Administrator Review was not filed within the requisite 60-day period, we affirm the Administrator's Decision on Appeal and deny the instant Request for Review.

4. In addition, since the Request for Review was filed with the Commission, SLD has issued a subsequent funding commitment decision letter for SLD application number 258364, denying Aurora Weier's FRN 649385 for failure to demonstrate, during application review, that Aurora-Weier secured access to the resources necessary to fund its portion of the discounted services when it filed its FCC Form 471.⁹ Nothing in this Order prevents Aurora Weier from appealing the August 30, 2002 Funding Commitment Decision Letter to SLD within the 60-day time period allowed for such appeals from the date of the August 30, 2002 Funding Commitment Decision Letter.¹⁰

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Emilio Lopez, Aurora Weier Educational Center, dated February 11, 2002 (Administrator's Decision on Appeal). In the Administrator's Decision on Appeal Letter, SLD incorrectly referred to August 31, 2001 (instead of August 20, 2001) as the date of issuance of the Funding Commitment Decision Letter. However, with either date, Aurora Weier's appeal to SLD was filed outside the 60-day filing window and is untimely under the Commission's rules.

⁷ 47 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings & Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings & Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002).

⁸ 47 C.F.R. § 1.7

⁹ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Emilio Lopez, Aurora Weier Educational Center, dated August 30, 2002 (August 30, 2002 Funding Commitment Decision Letter).

¹⁰ See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 28, 2001 and January 4, 2002) (applicants have 60 days from the date of issuance of the decision being reviewed to file their appeal to the Commission). For appeals filed with the Commission, applicants may now submit their appeals by facsimile or electronic mail to ensure timely filing. *Id.* (If filed by facsimile, pleadings shall be faxed to 202-418-0187; if filed by electronic mail, pleadings shall be filed at the following e-mail address: CCBSecretary@fcc.gov).

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Aurora Weier Educational Center, Milwaukee, Wisconsin, on March 18, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark G. Seifert", with a stylized flourish at the end.

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau